

STATE OF INDIANA)
) (\$):
COUNTY OF MARION)

IN THE WAYNE TOWNSHIP OF MARION COUNTY
SMALL CLAIMS COURT
5401 WEST WASHINGTON ST
INDIANAPOLIS, IN 46241
Phone No. 317-241-9573
FAX No. 317-248-7917
CAUSE NUMBER 49K08 - _____-SC_____

Plaintiff's Full Name, Address, Phone #, Email

Notice of Claim and Summons

Designation of Service
___ Personal Service
___ Certified Mail
___ Other

VS. Defendant's Full Name, Address, Phone #

**You should appear in court on _____ at _____ o'clock ____ .M.
to answer the Plaintiff's claim in a trial or hearing.**

The Plaintiff complains of the Defendant(s) and say that the Defendant is indebted to the Plaintiff in the sum of \$ _____ because

(Attach document(s) that support the above statements.)

The Plaintiff states the following are true.

1. An **Affidavit of Debt** is attached with the current information. (If the claim is on an account.)
2. If there is a **written contract** between the Plaintiff and Defendant ("the Parties"), a copy is attached. If a Social Security Number in the document, the Plaintiff has redacted at least the 1st five digits.

WHEREFORE, Plaintiff demands judgment, court cost(s) and other proper relief.

I affirm, under the penalties for perjury, that the foregoing statements are true. [See Ind. Code 32-30-3-1(b).]

Date

Signature of Attorney or Pro Se Party

CERTIFICATION OF VENUE BY PRO-SE LITIGANT

Small Claim Rule 12 (A)(2) provides that proper venue in a Marion County Small Claims Court for a non-landlord tenant matter shall be in the township where the transaction or occurrence took place, where the obligation was incurred or is to be performed, or where a defendant resides or is employed at the time the complaint is filed.

Small Claims Rule 12 (A)(3) provides that the proper venue for any landlord and tenant claim, including but not limited to a claim for rent, possession of real estate, return of property, return of security deposit or for damages filed in a Marion County Small Claims Court shall be in the township court where the real estate is located .

I, _____ certify that the Wayne Township of Marion County Small Claims Court is the court of correct venue for the claim I wish to file against _____ because:

_____ Wayne Township is the township in which the transaction took place;

_____ Wayne Township is the township in which occurrence took place;

_____ Wayne Township is the township in which the obligation was incurred;

_____ Wayne Township is the township in which the obligation is to be performed;

_____ Wayne Township is the township wherein the defendant resides at the time the claim is filed;

_____ Wayne Township is the township wherein the defendant is employed at the time the claim is filed;

_____ The claim I wish to file is based upon a landlord tenant relationship and the real estate that is the subject of this relationship is located in Wayne Township

DATE: _____

SIGNATURE OF PRO-SE LITIGANT

NAME OF PRO-SE LITIGANT PRINTED

Important Information Concerning this Claim

A Plaintiff or Defendant ("a party") may appear by an attorney in this case for claims up to \$8,000.00 plus court cost. If a party is a person, he or she may represent himself or herself without an attorney. If a party is a sole proprietorship or a general partnership, the party may appear by the sole proprietor or by a general partner. If a party is a corporation, a limited liability company(LLC), a limited liability partnership (LLP), or a trust the party may appear by a full-time employee for claims up to \$1500.00 as the party's Ind. Small Claims Rule 8(C) representative. U.S. Bureau of Labor Statistics says a person is a full-time employee, if the employee works at least 35 hours per week. The salary or wages would be reported on a W-2.

A party should bring to the trial all documents in the party's possession or control relating to this case.

If a party is unable to appear at the initial, the party may file a written motion for continuance with the Clerk of the Wayne Township Small Claims Court, at the address on the 1st page, explaining why the parties is unable to attend the hearing. A motion to continue a hearing should be filed at least 48 hours before the hearing. **Continuance of 1st hearing is seldom granted.** If the Defendant does not appear at the final hearing, a default judgment may be entered against the Defendant. (LR49-SC09-301)

The Plaintiff waived the Plaintiff's right to a jury trial when the case is filed. The Defendant may request a jury trial by submitting a written request to the Court within 10 days after receiving the Notice of Claim and paying the additional amount required by statute to transfer this case to the Marion County Circuit or Superior Court's plenary docket, within ten days after the jury trial request is granted. If the written request is not filed on time and if the additional court cost is not paid on time or waived, the Defendant's right to jury trial is waived. (LR49-TP38-303)

If the Defendant has a claim against the Plaintiff, the Defendant may file a Counter-Claim under this cause number. If the Plaintiff does not receive the Defendant's Counter Claim at least seven (7) days prior to the trial, the Plaintiff may request a continuance of the trial date.

You may learn more about the Small Claims Rules and read the Indiana Small Claims Manual online at <http://www.on.gov/judiciary/>. Type "Indiana Small Claims Manual" in the search block and you may download the Manual. You may also pick up a copy from the Clerk.

SUMMONS

You should appear in court on _____ at _____ o'clock ____M. to answer the Plaintiff's claim in a trial or hearing.

RETURN OF SERVICE OF NOTICE OF CLAIM:

I certify that on _____:

_____ I served this Notice of Claim by delivering a copy to the Defendant.

_____ I served this Notice of Claim by leaving a copy:

_____ at the dwelling or usual place of abode of the Defendant; OR

_____ with a person of suitable age and discretion residing therein, namely _____.

AND

_____ by mailing a copy of this Notice of Claim to the Defendant, by First Class Mail, to the address listed on the Notice of Claim (date copy mailed if different from below: _____, 20__).

_____ Service remarks concerning dwelling or abode: _____ I was unable to serve this Notice of Claim because _____.

Date served _____

Served By: _____

Wayne Township Small Claims Court
Judge Gerald B. Coleman
Preparing your Small Claims Case for Trial

- 1) Your opening statement should summarize the nature of your claim and the damages you have suffered because of injury, breach of contract, or whatever basis for your claim and why the other person is at fault.
- 2) Bring your evidence (Exhibits) to prove your case! This may be a written contract, Receipts, Letters, Estimates in writing, Repair Orders, Photographs, Canceled Checks, Account Books, Advertisements, Warranties, Service Contracts, or other documents.
- 3) Ask your witnesses to come to court. If a witness does not want to attend, you may request that the clerk issue a subpoena ordering the witness to appear.
- 4) Arrange your Exhibits in a clear understandable manner. Number all of your exhibits (1, 2, 3, etc.). If you are the defendant, use letters instead of numbers (a, b, c, etc.).
- 5) Bring two copies of all Exhibits that you intend to submit to the Court for your case, one copy for the court and one copy for the opposing party.
- 6) **The Court cannot look at any evidence on your telephone, laptop or tablet so you must print out any evidence if you want the Court to consider it.**
- 7) Consider practicing your presentation in front of someone or a mirror. You can also come visit a small claims session to see how cases are conducted.

This is your one opportunity to present your case. Make it count!